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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,449	02/19/2000	Todd M. Spencer	10991107-1	8243

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EXAMINER

KUPSTAS, TOD A

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/507,449

Applicant(s)

SPENCER ET AL.

Examiner

Tod Kupstas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 22, 23, 27, 28, 32, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Varma (US 6,336,134).

As set forth in claim 22, Varma discloses a system for ensuring synchronization of multiple applications at remote locations (through the collaboration and partition servers, 31 and 32), the system comprising: local application sharing logic configured to receive events to be shared from a plurality of local applications; see col. 5, lines 39-63 (the applications that will be shared are

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located on the clients), the logic application sharing logic further configured to transmit the events (the applications will send the modifications to the partition or collaboration servers; see col. 7, lines 22-31, col. 8, line 4- col. 10, line 36); remote application sharing logic configured to receive the events from the local application sharing logic (the remote application sharing logic will receive the modifications that were made at the local client), the remote application sharing logic further configured to transmit the events to a plurality of remote applications, (after collaborating the modification with the other modifications the updated workspace modification will be sent to the remaining clients); and remote event buffering logic configured to buffer the events received by the remote application sharing logic (the FIFO buffer found in the partition server will be an aspect of the buffer) the remote even buffering logic further configured to determine if the remote applications are ready to receive the events (the buffer and the respective servers will determine when a modification is needed, through this determination it is determined when the remote applications are ready to receive events).

As set forth in claim 23, Varma discloses a system wherein: the remote event buffering logic is further configured to send an inquiry to the remote applications requesting notification when the remote applications are ready to receive the events; and the remote application sharing logic is further configured to transmit the events to the remote applications when the remote applications indicate a ready-to-receive status in response to the inquiry; see col. 19, line 45-col. 22, line 44 (the addition and removal of clients entails a querying process that will establish when

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a client is ready to receive information, furthermore history checks will establish at what point the client is ready to receive a new modification).

As set forth in claim 27, Varma discloses a method for ensuring synchronization of multiple applications at remote locations, the method comprising: transmitting events to be shared from a plurality of local applications (through the collaboration and partition servers, 31 and 32); receiving events in a local application sharing logic; transmitting the events from the local application sharing logic; receiving events, transmitted from the local application sharing logic, in a remote application sharing logic see col. 5, lines 39-63 (the applications that will be shared are located on the clients); determining if a plurality of remote applications are ready to receive the events (after collaborating the modification with the other modifications the updated workspace modification will be sent to the remaining clients); and transmitting the events from the remote application sharing logic to the remote applications when the remote applications are ready to receive the events (the buffer and the respective servers will determine when a modification is needed, through this determination it is determined when the remote applications are ready to receive events).

As set forth in claim 28, Varma discloses a method wherein determining further comprises: sending an inquiry to the remote applications requesting notification when the remote applications are ready to receive the events; and transmitting the events to the remote applications when the remote applications indicate a ready-to-receive status; see col. 19, line 45-col. 22, line 44 (the addition and removal of clients entails a querying process that will establish when a client

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is ready to receive information, furthermore history checks will establish at what point the client is ready to receive a new modification).

As set forth in claim 32, Varma discloses a system for ensuring synchronization of multiple application at remote locations, said system comprising: means for transmitting events to be shared from a plurality of local applications (through the collaboration and partition servers, 31 and 32); means for receiving events in a local application sharing logic; means for transmitting the events from the local application sharing logic; means for receiving events, transmitted from the local application sharing logic, in a remote application sharing logic; see col. 5, lines 39-63 (the applications that will be shared are located on the clients); means for buffering the events received in the remote application sharing logic; means for determining if a plurality of remote applications are ready to receive the events (after collaborating the modification with the other modifications the updated workspace modification will be sent to the remaining clients); and means for transmitting the events from the remote application sharing logic to the remote applications when the remote applications are ready to receive the events (the buffer and the respective servers will determine when a modification is needed, through this determination it is determined when the remote applications are ready to receive events).

As set forth in claim 33, Varma discloses a system wherein the means for determining further comprises: means for sending an inquiry to the remote applications requesting notification when the remote applications are ready to receive the events; and means for transmitting the events to the remote applications when the remote applications indicate a ready-to-receive status;

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see col. 19, line 45-col. 22, line 44 (the addition and removal of clients entails a querying process that will establish when a client is ready to receive information, furthermore history checks will establish at what point the client is ready to receive a new modification).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24, 25, 29-31, and 34-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Varma (US 6,336,134) in view of Hales, II et al. (US 5,938,723).

Varma discloses a synchronization of clients for enabling the clients to collaborate in work spaces. Varma additionally discloses the usage of a buffer. However, Varma does not disclose having the buffer send information indicating the buffer is full, to suppress input or to indicate the readiness to receive input. As set forth in claims 24, 29, and 34, Hales discloses a system further comprising: means for suspending the transmission of the events from the local applications when

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the remote application sharing logic indicates that the means for buffering exceeds a threshold; see col. 13, line 60-col. 14, line 4. As set forth in claims 25, 30, and 35 Hales discloses a system wherein the means for suspending the transmission further comprises: means for suppressing input to the local applications when the remote application sharing logic indicates that the means for buffering exceeds the threshold; see col. 13, lines 60-col. 14, line 4. As set forth in claims 26, 31, and 36, Hale discloses a system wherein the means for suspending the transmission further comprises: means for enabling input to the local applications when said remote application sharing logic indicates that the means for buffering is ready to receive the events; see col. 13, line 60-col. 14, line 4. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the buffer of Varma, with the means for indicating that the buffer is full, to suppress input or to indicate readiness to receive input, as taught by Hales. The rationale is as follows: It would have been desirable to have had the means for providing the system with status information related to the buffer. As Hales teaches the desirability of having means for indicating the buffer is full, to suppress input or to indicate readiness to receive input, one of ordinary skill would have been motivated by Hale's teaching to have provided the buffer of Varma with the means for indicating that the buffer is full, to suppress input or to indicate readiness to receive input, thereby having provided system status information for the buffer to permit smooth synchronization of the system through the operation of the buffer.



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***Response to Arguments***

5. Applicant's arguments filed 3/12/2003 have been fully considered but they are not persuasive.

Applicant has rewritten the claims. The Examiner addresses the new claims above. Generally speaking the Examiner maintains the spirit of the previous rejection. The Examiner contends that Varma meets the newly amended claims. The Examiner notes two broad points argued by Applicant. First, Varma meets the limitation of determining whether "at least one corresponding remote application is ready to receive said events." This is done through the process of maintaining the respective servers, in the process of collaborating the events it will be determined when a modification needs to be sent out. Second, Applicant indicates that Varma does not disclose the transmitting of events from the a plurality of local and remote applications. The Examiner contends that this is nature and purpose of Varma to provide the collaborative workspace in order to establish an area for the transmitting of events from the local and remote applications.

Additional arguments are addressed in the new rejection above.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas

May 21, 2003



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
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